

EXHIBIT D

From: Darrin Howard <d3howard@bop.gov>
Sent: Monday, July 13, 2020 1:18 PM
To: O'Connor, Brien
Cc: Geggel, Ezra
Subject: Re: Douglas Hodge, Request for Motion Pursuant to 18 U.S.C. § 3582(c)
Attachments: VCard.vcf

[EXTERNAL]

Brien,

BOP policy concerning reduction in sentence or compassionate release can be found at Program Statement 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582 and 4205(g) (<https://www.bop.gov/PublicInfo/execute/policysearch?todo=query&series=5000>).

In addition to setting forth the criteria inmates must meet to be considered, the policy provides that if the Director believes a reduction in sentence is warranted, the Director does not seek to modify an inmate's term of imprisonment but "to reduce the minimum term of the inmate's service to time served." As such, BOP would not seek to have the court place Mr. Hodge on home confinement as a condition of probation.

Separately, the BOP has considered inmates for home confinement placement pursuant to the home confinement eligibility requirements as set forth in the Attorney General's memoranda (https://www.bop.gov/coronavirus/faq.jsp#hc_eligibility). While Mr. Hodge will be considered for home confinement placement if the Attorney General's criteria changes or the BOP issues new guidance, he may request home confinement by request the same through the institution. I will follow up with FCI Otisville to make sure your June 24, 2020, letter is being considered as such a request.

Darrin

Darrin Howard | Regional Counsel
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>>> "O'Connor, Brien" <Brien.OConnor@ropesgray.com> 7/10/2020 6:10 PM
>>>

Dear Darrin,

I am writing to follow-up on our 3582 request letter, which we sent on June 24, 2020 (attached). We are very aware that the COVID-19 pandemic has created many pressing concerns for the BOP, but we learned yesterday that Doug's period in solitary quarantine has been extended to this coming Tuesday (for a total of 21 days). Given this concerning development, we are anxious to have the opportunity to petition the Court under 3582 for his compassionate release as soon as possible.

Thank you,
Brien

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From: O'Connor, Brien
Sent: Tuesday, July 14, 2020 8:59 AM
To: Darrin Howard
Subject: Re: Douglas Hodge, Request for Motion Pursuant to 18 U.S.C. § 3582(c)

Thank you for your response, Darrin. I appreciate it.

Best,
Brien

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> On Jul 14, 2020, at 8:54 AM, Darrin Howard <d3howard@bop.gov> wrote:
>
> [EXTERNAL]
>
> Brien,
>
> Good morning. I cannot confirm that BOP will not petition the Court
> under Section 3582(c) on Mr. Hodge's behalf. As Regional Counsel, I
> am not involved in the decision to grant or deny an inmate's request
> for a reduction in sentence process.
>
> If Mr. Hodge has submitted a request for a reduction in sentence with
> Warden Petrucci, he should await the Warden's decision. If he does
> not receive a final agency decision within 30 days of his initial
> submission, the First Step Act allows Mr. Hodge to bring a motion for
> a reduction in sentence to his sentencing court.
>
> Darrin
>
>>>> "O'Connor, Brien" <Brien.OConnor@ropesgray.com> 7/13/2020 7:58 PM
>>>>
> Darrin,
>
> Thank you for your prompt response. I would like to clarify that we
> separately petitioned Warden Petrucci for home confinement placement

> under the CARES Act and the Attorney General's memoranda (see attached
> letter). I reached out to you in the hope of expediting the 18 U.S.C.
> §
> 3582(c) process. Under 3582(c)(1)(A), we cannot petition the Court
> for Mr. Hodge's compassionate release until after Mr. Hodge has "fully
> exhausted all administrative rights to appeal a failure of the Bureau
> of Prisons to bring a motion" (or after 30 days have lapsed). I
> understand from your email that the BOP will "not seek to have the court place Mr.
> Hodge on home confinement as a condition of probation." Can you
> confirm that the BOP will not petition the Court under 3582(c) for any
> modification to Mr. Hodge's term of imprisonment?
>
> In light of Mr. Hodge's current three-week period of solitary
> quarantine, we feel an urgency to file a motion with the Court under
> 3582(c) as soon as we receive confirmation that the BOP will not seek
> to reduce Mr. Hodge's term of imprisonment under 3582(c). Please let
> me know if the BOP can provide such a confirmation.
>
> Thank you again for your time, and please let me know if you have any
> questions or need further information.
>
> Best,
> Brien
>
>
>
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